## REMARKS

Applicants have amended claim 45 solely to improve grammar. Of the pending claims, claims 34-48 are under consideration.

In the Office Action, the Examiner rejected claims 34, 43, and 45 under 35 U.S.C. §112, second paragraph, as indefinite; rejected claims 34-38, 40-42, and 47-48 under 35 U.S.C. §103 as being unpatentable over Hiorth (U.S. Patent No. 4,191,480) in view of Tate et al. (U.S. Patent No. 4,035,322) and in further view of Murata et al. (U.S. Patent No. 5,230,735). The Examiner objected to claims 39 and 43-46 as being dependent upon rejected base claims, but stated that those claims would be allowable if rewritten in independent form including all the limitations of the base and intervening claims.

I. Rejection of Claims Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 34, 43, and 45 under 35 U.S.C. §112, second paragraph, as indefinite. In particular, the Examiner stated that it is unclear what is meant by the terms "substantially static spraying chamber," "substantially static mixing means," and "substantially complete absorption" in claim 34. The Examiner further stated that the terms "substantially pyramidal central body" in claim 43 and "substantially perpendicular" in claim 45 are unclear.

The Federal Circuit has, on a number of occasions, held that the term "substantially" does not render a claim indefinite when the term, read in light of the context of the disclosure, allows one of ordinary skill in the art to determine whether a particular product or process falls within the language of the claims. *See, for example, Uniroyal, Inc. v. Rudkin-Wiley Corp*, 837 F.2d 1044, 1056 (Fed. Cir. 1988), *cert. denied* 109 S. Ct. 75 (1988); *Seattle Box Co., Inc v. Industrial Crateing & Packing, Inc.*, 731

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F.2d 818 (Fed. Cir 1984), *appeal after remand*, 756 F.2d 1574 (Fed. Cir. 1985). See also MPEP 2173.05(b)D, 8th Ed.

Applicants submit that the term "substantially" does not render the present claims indefinite because one of ordinary skill in the art, understanding the claims, would be able to determine, for example, that the term "substantially" static spraying chamber refers to a spraying chamber static enough to create a tolerable device. Similarly, one of ordinary skill in the art, understanding the claims, would be able to determine the meaning of the terms "substantially complete absorption," "substantially pyramidal central body," and "substantially perpendicular." Additionally, Applicants have defined the meaning of the term "substantially static mixing means" in the original as-filed disclosure at page 5, lines 23-28. Applicants submit that because one of ordinary skill in the art would be able to determine the meaning of "substantially static spraying chamber," "substantially static mixing means," and "substantially complete absorption" in claim 34, "substantially pyramidal central body" in claim 43, and "substantially perpendicular" in claim 45, the claims meet the requirements for precision and definiteness under 35 U.S.C. §112, second paragraph.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 34, 43, and 45 under 35 U.S.C. §112, second paragraph.

II. Rejection of Claims Under 35 U.S.C. §103

The Examiner rejected claims 34-38, 40-42, and 47-48 under 35 U.S.C. §103 as being unpatentable over Hiorth in view of Tate et al. and in further view of Murata et al.

Applicants traverse the rejection for two reasons. First, Applicants submit that Hiorth is non-analogous art. The field of endeavor of the present invention relates to a

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method for continuously introducing a substance in a liquid phase into plastic granules. In contrast, the field of endeavor of Hiorth relates to mixing one or more powders with one or more liquids to achieve a homogeneous mixture, such as an explosive (Abstract and col. 2, lines 1-2). Furthermore, Hiorth does not reasonably pertain to the particular problem addressed by the present invention. The present invention addresses the problem of continuously impregnating plastic granules with a liquid while reducing the abrasive action on the granules and minimizing generation of dust (Abstract). Hiorth, however, relates to powdered materials and addresses the problems of producing a homogeneous mixture from the powder and plugging of the apparatus when the mixture attains a sticky consistency (col. 1, lines 7-8 and 33-59; col. 2, lines 19-21 and 63-66, col. 5, lines 27-31, col. 7, lines 9-12). Therefore, Hiorth does not reasonably pertain to the problem with which the present invention is concerned. Accordingly, Applicants submit that Hiorth is not analogous art.

Second, even assuming *arguendo* that the cited references are properly combinable, the combination fails to achieve the claimed invention. Claim 34 of the present invention recites, among other things, submitting the mixed granules to drying for a time sufficient to allow a substantially complete absorption of the substance in liquid phase by the granules.

The Examiner cited Murata et al. as disclosing a drying chamber. In particular, the Examiner stated that Murata et al. teach drying the particles after coating them to prevent agglomeration. Murata et al. disclose that powder particles coated with a liquid "are fed into the drying chamber 5, where they are dried while being dispersed by an air flow blown into the drying chamber" (col. 8, lines 62-66). Murata et al., however, fail to

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disclose or suggest drying the granules for a time sufficient to allow a substantially complete absorption of the substance in liquid phase by the granules as recited in claim 34 of the present invention. Similarly, neither Hiorth nor Tate et al. disclose or suggest this feature.

Claim 34 of the present invention also recites, among other things, passing the granules partially or totally coated by the substance in liquid phase continuously leaving the spraying chamber through substantially static mixing means supported in at least one mixing chamber provided downstream of the spraying chamber to submit the granules to mixing. In contrast, the particles of Murata et al. are coated in a feeding device 2 and fed directly into drying chamber 5 (col. 6, line 55 to col. 10, line 8; Figs 2-5). Thus, Murata et al. fails to disclose or suggest leaving the spraying chamber through substantially static mixing means supported in at least one mixing chamber provided downstream of the spraying chamber to submit the granules to mixing as recited by claim 34 of the present invention. Similarly, neither Hiorth nor Tate et al. disclose or suggest this feature.

For at least these reasons, the Examiner's proposed combination fails to disclose or suggest all the limitation of claim 34.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 34-38, 40-42, and 47-48 under 35 U.S.C. §103. Applicants submit that claim 34 is in condition for allowance, as are claims 35-38, 40-42, and 47-48, at least by virtue of their dependency from allowable claim 34.

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III. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 5, 2002

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**APPENDIX TO AMENDMENT OF AUGUST 5, 2002**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

## AMENDMENTS TO THE CLAIMS

45. (Amended) Method according to claim 44 wherein said step c) of mixing the granules is carried out by passing the granules partially or totally coated by said substance in liquid phase through at least two superimposed groups of mixing bars arranged substantially perpendicular to each [perpendicularly with one] other.

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